

# VA settles more retaliation complaints by whistleblowers

January 20 2015, by Matthew Daly

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The Veterans Affairs Department said Tuesday it is offering relief to more than two dozen employees who faced retaliation after filing whistleblower complaints about wrongdoing at VA hospitals and clinics nationwide.

The actions follow settlements reached last year with three employees who reported widespread problems at the Phoenix VA hospital, including chronic delays for veterans seeking care and falsified waiting lists covering up the delays. The resulting uproar forced the ouster of former VA Secretary Eric Shinseki and led to a new law overhauling the agency and making it easier to fire senior officials.

The latest actions offer relief to about 25 VA employees, including a doctor who was reprimanded and retired after reporting significant errors at a Maryland clinic, and a nurse manager in Washington state who was fired after refusing to alter a performance evaluation for a subordinate. The doctor will have a negative appraisal removed and the nurse manager will keep her job while an investigation continues.

Special Counsel Carolyn Lerner applauded the VA for taking steps to protect employees who file whistleblower complaints. Lerner's office, which is independent from any government agency, is investigating more than 120 complaints of retaliation at the VA following employee allegations about improper patient scheduling, understaffing and other problems at the VA's 970 hospitals and clinics nationwide.

VA Secretary Robert McDonald, who took over the agency last summer, has vowed to root out retaliation as the agency seeks to change a culture that he and other officials acknowledge has allowed and even encouraged reprisals against those who file complaints.

"Secretary McDonald has taken whistleblowing within the VA seriously," Lerner said in a statement Tuesday. "He recognizes that an essential step toward improving veterans' care is to listen to employee concerns and protect them from retaliation."

Deputy VA Secretary Sloan Gibson said the department is committed to holding accountable those who retaliate against whistleblowers. Employees who blow the whistle on higher-ups because they have identified a legitimate problem "should not be punished" but instead should be protected, Gibson said, citing a similar comment last year by President Barack Obama.

"Personally, I would add that you should be praised," Gibson said.

Among those who settled complaints in recent weeks were Dr. Richard Hill, a primary care physician at Fort Detrick Army Base in Frederick, Maryland, and Coleen Elmers, a nurse manager at the VA hospital in Spokane, Washington.

Hill complained about a lack of clerical staff at his primary care unit, which he said led to significant errors in patient care and scheduling problems. Instead of fixing the problem, VA reprimanded Hill last May. He retired two months later. As part of the settlement, the VA agreed to expunge Hill's record of any negative personnel actions.

Elmers filed a complaint last year with the VA's Office of Inspector General about a fraudulently altered performance evaluation of one of her subordinates, which Elmers had refused to change. A supervisor later

moved to fire Elmers for "lack of candor" and failure to follow instructions.

The VA's Merit Systems Protection Board granted the special counsel's request to put off the firing until the counsel's office completes an investigation.

The VA also agreed to reverse a decision to fire Mark Tello, a nursing assistant at a VA hospital in Saginaw, Michigan, who reported improper staffing that he said could result in serious patient care lapses. The VA agreed to place Tello in a [new job](#) and award him undisclosed back pay.

The VA also agreed to find a new job for Rachael Hogan, a registered nurse at a VA hospital in Syracuse, New York, who disclosed to a superior a patient's rape accusation against a VA employee. When the official delayed reporting the accusations to police, Hogan warned the manager about the risks of failing to file a timely report.

VA managers had threatened to fire Hogan. Under the settlement, the VA agreed to place her in a new job under a different supervisor. The Syracuse facility also will pay for whistleblower-protection training for managers at the site.

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